



Arizona Ombudsman-Citizens' Aide
Annual Performance Report
Reflecting January 1, 2012 – December 31, 2012

Submitted by
Arizona Ombudsman-Citizens' Aide
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Mission Statement

[Required pursuant to A.R.S. § 41-1376(A)(2)(a)]

The mission of the Arizona Ombudsman-Citizens' Aide is to improve the effectiveness, efficiency and responsiveness of state government by receiving public complaints, investigating the administrative acts of state agencies, and recommending a fair and appropriate remedy.

Customer Satisfaction Survey

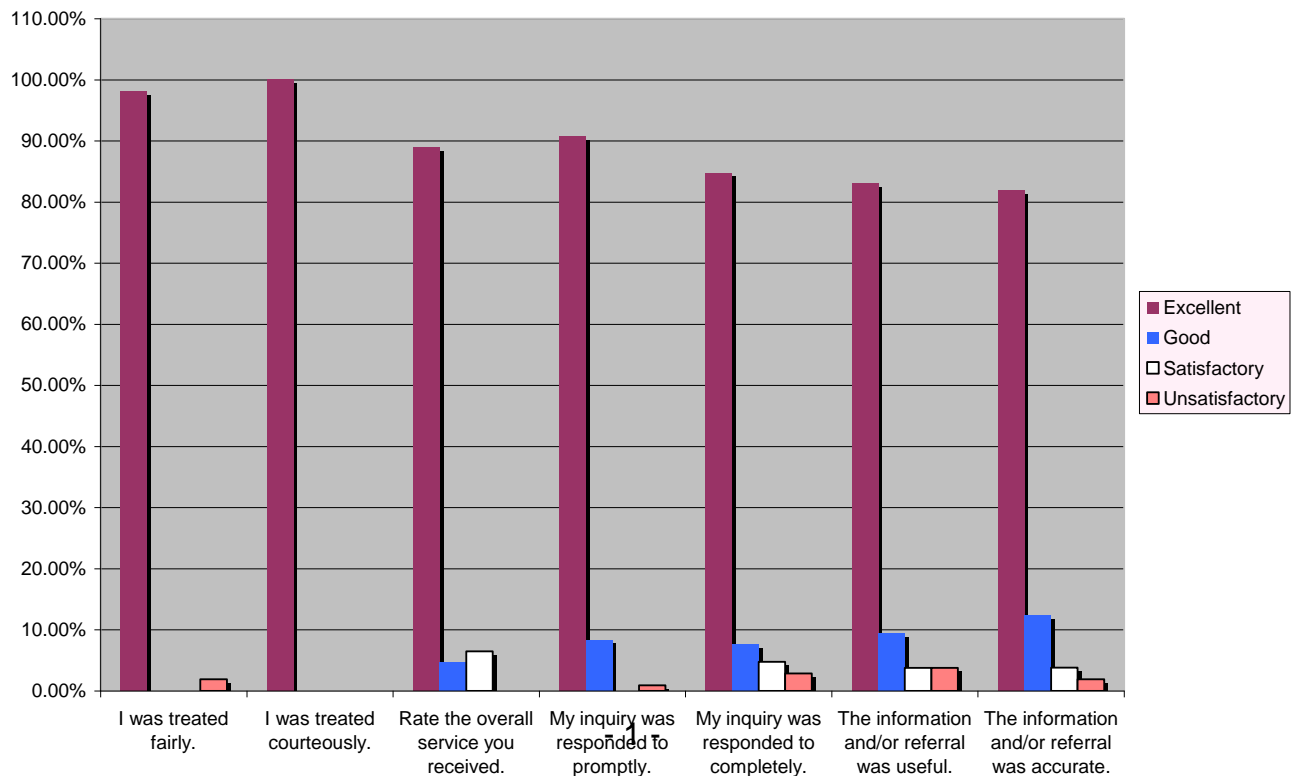
It is important for us to receive feedback from the citizens we help so that we can evaluate our performance, correct shortcomings and improve our service. One way we get feedback is through our customer satisfaction survey we distribute at the close of cases. The survey measures how well we are accomplishing six standards that we developed in our strategic plan.

These standards are:

- Respond **promptly** to citizen inquiries.
- Provide as **complete** a response as possible.
- Provide **useful** solutions to citizens.
- Provide **accurate** responses to citizen complaints.
- Treat everyone **fairly**.
- Treat everyone **with courtesy and respect**.

The following chart and comments summarize the results of the survey for calendar year 2012:

Survey Results in Percentage



Selected Survey and Other Comments from Jan-Dec 2012

"...I won't forget your name or number because this state of Arizona needs you BUT the people need you even more. Bless you all and thank you so much especially Ombudsman Katie !!!!!"

"I received very informative and prompt service every time I call. I am glad to have the Ombudsman as a source of help as a citizen. They have always resolved issues in a timely manner. I would like to see the program continue for many years to come. Kate Otting was exceptionally helpful, informative, courteous and overall displayed great customer service! Thank You!"

"Kate is stellar at social service. She is sweet, kind and personable. But beyond that she is a go-getting take-the-reins don't stop till the job is done woman. And that's not just done but done to 110% satisfaction of the people she helps. I was lucky to have found her. Not everyone has been so giving and gracious. She is a stand-out and in my opinion deserves a raise. Lastly, she never talked down to me or made me feel uncomfortable. Class Act!!!!!!!!"

"I really appreciate the efficiency and prompt manner my e-mail was received. If I didn't receive the help I know I would've waited another 4 months for the DES to follow up with my case. Thank you Joanne."

"Your office was extremely helpful in dealing with the government agency bureaucracy. I would have had to file a lawsuit had I not been able to have your office intervene. Big help to citizens!! Thank you for the job you do."

"...until I reached Ms. Otting, she listened to what I needed, she took down the information, she was professional, courteous and informative, she researched the issues, called me back, found the proper person to help and followed up afterwards. I really feel she made the difference in my quality of life in assisting me in this situation. I really hope someone prizes such an amazing employee."

"Kate was like a heaven-sent. I was so upset (and sick) about the situation and have been running into walls. She listened patiently even though, I had a very hard time articulating my problems that have been ongoing for months, and had escalated over the last 5 weeks. Kate was so considerate, courteous and kind! The first time, I have been treated respectfully from anyone at a public agency (my local DES office was very rude, even insulting). She assured me that I will be hearing back from her very soon - I called Friday afternoon, and got a call back from her Monday morning!! That's pretty amazing and she resolved all my problems! I still cannot believe it! I am so very grateful!"

"Stephanie was the utmost professional. She gave me guidance and really followed through with everything she said she would. I can tell you through the whole process she was understanding and compassionate..."

"Very happy to know one can go to an outside source to get the assistance they needed when one is not being heard, treated with courtesy and the business is not doing their jobs. Much appreciated."

"'Priceless.' That is the price I set on the help they have given our district."

"I don't always like the information but really appreciate having the access to a group that knows the Open Meeting Law and can clarify things. I think it is a terrific program and extremely helpful."

"Stephanie Willis was super helpful and courteous."

"'Excellent' rating for every question should be replaced with a more superlative comprehensive word than ""excellent"" - like something which covers, ""absolute best, most proficient, unparalleled professionalism, prompt, polite, patient, able to quickly comprehend the problem then without delay exactly execute the solution needed to resolve the problem...If it were possible, I would recommend quadrupling their current income every-other month. And that would be insufficient compensation for what they deserve..."

"Stephanie Willis was incredibly professional, competent and responsive. She was quick to understand the core issues of the matter and was tenacious in working toward a resolution. My client and I are extremely grateful for her work after months of getting nowhere with AZDES."

"In a desperate attempt to avoid litigation with Arizona, I searched for another route and happened upon the Office of Ombudsman. When you know your rights have been ignored, and the government office in question ignores your plea's, the Office of Ombudsman is a godsend. This department of the Arizona Legislature should continue to be funded without question, "Making government more responsive to the people of Arizona." My sincere thank you."

How We Help People

We provide a unique service to citizens because we are the only agency that works to resolve citizen complaints against government agencies. Our experienced investigators listen to constituent complaints, determine the nature of the dispute and offer the most efficient resolution to address a wide variety of problems face the six million residents of Arizona.

The responses are separated into three categories:

1. Coaching. Many residents are able to resolve their own concerns when they are aware of the services that the government already offers. We help these residents by educating them on the options available to them based on their specific complaint. Coaching includes: defining issues and rights, identifying options, referring people to the appropriate employee or department, explaining agency policies, researching information, and developing reasonable expectations.

2. Informal Assistance. Sometimes coaching isn't enough and residents need our office to communicate with the government agency directly. Most complaints are the result of a miscommunication or a simple mistake. In these circumstances, we contact the appropriate agency on the citizen's behalf, facilitate a meeting between the parties, or coordinate an action between agencies. Our investigators are working on a continual basis to foster relationships with agency personnel in every state agency in order to facilitate efficient resolution of complaints prior to escalation.

3. Investigation. Some complaints are more serious and don't lend themselves to informal techniques. When the nature of the complaint warrants, we conduct an investigation. We work with the constituents and agency personnel to ensure that the agency is complying with the law and offering superior public service. Although we have no authority to compel an agency to follow our recommendations, most administrators are eager to resolve constituent problems and agency mistakes once we bring it to their attention. If the complaint is unsupported, we explain our findings to the complainant. If necessary, we write a report of our findings and recommendations and send it to the agency, legislature, governor, and the constituent.

Case Summaries

We want to give you a sense of how our efforts translate into quantifiable results. The following case summaries are taken from the **4,740** cases we completed in 2012. Our office has three areas of focus, so we will cite from each. The first area is related to cases of a general nature involving complaints against state agencies. The second area focuses on child protective services (CPS) cases and the third on public access.

1. Complaints about administrative actions of state agencies.

The following example illustrates how our intervention helped resolve a case involving more than one agency or more than one level of government.

1201188. Transportation-Motor Vehicle Division

A wife was upset that her husband was punished despite a court finding the husband was not at fault in an accident. The husband's driver's license was incorrectly suspended by Department of Transportation – Motor Vehicle Division (MVD) because of an error in recording information in the motorist database.

We reviewed the couple's evidence and verified their story. We contacted MVD to see if they could intervene and request that the Court correct the error, which would correct the MVD information. MVD managers did so which repaired the man's driver's license status. We then told the complainant to expect a letter from MVD and that MVD had the Court correct their data.

The following examples illustrate where our intervention led to a change in statute, rule, or policy.

1200132. Medical Board

A former employee of the Arizona Medical Board ("AMB" or "the Board"), who had worked with the Board's licensure process, alleged the Board changed procedures in ways that violated state law, undermined the Board's mission, and jeopardized citizens' health and safety. The complainant alleged that the Board also ignored vital certification requirements, discontinued required services, and waived fees specified in state laws.

Specifically, the complainant claimed that in the Board's evaluation of licensing applicants:

1. The AMB no longer required employment verifications or privilege verifications, as outlined in A.A.C. R4-16-201 (D)(4) and (5).
2. The AMB no longer required copies of certificates for Locum Tenen applicants to issue a license as outlined in A.A.C. R4-16-203.
3. The AMB no longer requested copies of certificates for ProBono applicants to issue a license, as required in A.A.C. R4-16-202.
4. The AMB was not compliant with A.A.C. R4-16-301, and disregarded requirements for dispensing of drugs, in particular:
 - a. The AMB no longer required physicians to submit copies of their Drug Enforcement Administration Certificate of Registrations to issue

- dispensing registration, as required by A.A.C. R4-16-301(A)(2).
- b. The AMB no longer required the name of primary physician responsible for dispensing a controlled substance at multiple practice locations as per A.A.C. R4-16-301(A)(1)(a).
 - c. The AMB has allowed physicians to photocopy dispensing registrations and added a statement that the photocopy was valid for multiple locations.
- 5. The AMB no longer charged \$100.00 fine for failure of licensees to change address, as required per A.R.S. §32-1435.
 - 6. The AMB no longer charged the \$10.00 fee for a duplicate wallet card, as outlined in A.A.C. R4-16-205 (19).
 - 7. The AMB suspended the continuing medical education (CME) audit task and no longer placed holds on license renewal forms if physicians are missing CME requirements or submit incorrect CME per A.A.C. R4-16-102.

We substantiated the first allegation, partially substantiated the sixth one and did not substantiate the remaining five.

With respect to Finding 1, we recommended the Arizona Medical Board fully comply with the provisions in A.A.C. R4-16-201. We also recommend the AMB submit proposed amendments to the rule to the Governor's Regulatory Review Commission so they can have their desired efficiencies made legal and in law. In response, the agency said they would not comply with the law because the Board and staff find it burdensome.

Regarding Allegation 6, we recommended the Arizona Medical Board eliminates A.A.C. R4-16-205 and remove fees not listed in statute, as per A.R.S. §§ 41-1008 and 41-1001.01(A)(3). We also recommended the Board prepare a comprehensive list of all fees they desire in law and ask the Legislature to then consider amending the fee statute, A.R.S. § 32-1436, to make the changes legally effective. The board concurred with the latter recommendation.

1203053. Department of Transportation-Motor Vehicle Division

A former Arizona resident, now living in Florida, was having problems reinstating his license after installing his ignition interlock device. He finished his revocation packet and received an Ignition Interlock Order three years ago. He waited until he and his wife could buy a second car seeing as his wife used their first car full time. Recently they purchased a new vehicle and used the order to have the device installed and insured on their older car. To his surprise, he found out after he sent the paperwork back to the Arizona MVD that he had a one-year time limit to use the order. They were requesting that he redo the entire revocation packet and wait for another order.

We looked into the Statutes and Codes regarding ignition interlock devices and could not find any reason why this time limit was imposed. We contacted the MVD and asked them to guide us to the law they were using to impose the one-year limit. They cited an a statute that stated the physician's evaluation, needed to complete part of the Revocation Packet, had to be "Current;" therefore they set a one year time limit after packet completion for the prospective driver to use their order.

The MVD reviewed the interpretation of this statute with an Administrative Law Judge from their Office of Executive Hearings but he disagreed with the current interpretation. Within 24 hours of his opinion, they had the complainant's reinstatement processed. We contacted him and he thanked us profusely for helping us with this issue. He said he was amazed at how quickly it was all handled.

The following examples highlight several cases where the resolution of the problem resulted in financial savings to a citizen.

1203316. Department of Transportation-Motor Vehicle Division

A woman needed to re-register her vehicle. She filed extensions while she saved up enough money to take it into a shop where they could get the car to meet emissions standards. Unfortunately, when she went into the emissions center they notified her she would need to wait until her battery reset for them to read her emissions accurately. They gave her a statement, which estimated it would take 400 miles. She also privately consulted with a mechanic who told her the same thing.

She only had a few days left, so she knew she would not be able to drive the 400 miles without another extension. She contacted the Department of Transportation, Motor Vehicle Division, to get another extension, but they refused to give her one. We contacted the MVD and requested an extra extension. They granted her a 90-day permit to reset her battery.

1202693. Department of Economic Security – Benefits and Medical Eligibility

A woman called complaining about the Department of Economic Security-Benefits (DES). She indicated that she just received a letter telling her DES stopped her benefits. She took in all of her documentation in on 08/06/12, the last day allowed. She would like for someone to review her case. She does not feel that her benefits should stop.

We contacted DES and they informed us that her local office had re-opened her case and re-worked her case. DES approved her nutritional assistance along with the medical benefits.

We contacted the woman and informed her of our findings. She indicated that she would wait for the approval notices. She was very thankful because she could not go on without her medical benefits. She said if she continues to have problems, she will contact us again.

1204326. Department of Economic Security – Benefits and Medical Eligibility

A grandmother called complaining about the Department of Economic Security-Benefits. She has three of her grandchildren in her care and she claims them on her food stamp case. She indicated that DES has the wrong amount that her husband makes as their income. She has not been able to talk to anyone at DES. She needed to talk to someone to have this issue resolved.

We contacted DES and they reviewed her case. DES indicated that they were counting her husband's old income. He stopped working for one employer and started working for another employer making half of the income that DES has listed. DES indicated that they sent her a notice to verify that he did stop working and has a new employer.

We contacted the woman and she indicated that once she receives the notice she will return it with the information they are asking her for. She thanked us for our help. She indicated that the extra amount will help due to her caring for her grandchildren.

The following examples illustrate where our intervention resulted in better service to citizens.

1203254. Department of Economic Services – Child Support Enforcement

A father grew impatient with the DES-Division of Child Support Enforcement (DCSE) after the agency promised him a refund on an overpayment. Twice the agency said they issued a check to him and that he would receive it within two days, but he did not receive it. We contacted an administrator at DCSE. She said the agency never processed the man's refund, but she did so the same day we contacted her. She told the man that she requested a check and it would be ready in two days. We reminded the administrator that the agency had promised the two-day turnaround previously. She said she would personally follow up in two days and ensure he received it. We followed up with the complainant and he said he appreciated our assistance.

1203306. Department of Economic Services – Child Support Enforcement

A previous complainant was concerned that the Division of Child Support Enforcement would not reimburse him for the full amount of his overpayment because the IRS claimed he owed taxes and Medicare said he owed for insurance. We told him we received an e-mail from DCSE stating that they mailed a check the previous business day. We told him that if he was concerned about a reduction in the amount the agency owed him after he received the check he could call DCSE and get an itemized list of each deduction taken. If DCSE incorrectly seized funds for taxes, he should call the Internal Revenue Service to resolve that. We provided him a number. We also gave him the number for the Medicare Ombudsman. He thanked us and said our office was the most helpful government office he called.

1202202. Department of Weights and Measures

A business owner called complaining about the Department of Weights and Measures. He indicated that the Weights and Measures worker was very rude and rough with his driver. He also indicated that the agent would not give them his name. The business owner also indicated that they received a citation and were given a court date, but no other information.

We contacted the Department of Weights and Measures and they informed us that they did not issue a citation. The Federal Motor Carrier Safety Administration issued the citation, which is a federal agency. The Department of Weights and Measures also indicated that the Department of Public Safety was present. The Department of Weights and Measures indicated that they were there to make sure they properly weighed the load before and after it was unloaded at the customer's home. The Department indicated that at the time of the weigh in, the federal agency issued the citation. The Department stated that the man should contact the Federal Motor Carrier Safety Administration for further assistance. The Director at the Department of Weights and Measures said if the man has any complaints regarding the conduct of the agent for the Arizona Department of Weights and Measures, that he should write a letter explaining the conduct of the agent.

We contacted the man and informed him. We provided him with the number to the Federal Motor Carrier Safety Administration; he indicated that he would not call them any more. We informed him that if he wanted to complain about the Arizona Department of Weights and Measures's agent, that he should write a letter to the Director of the agency. He was grateful that we were able to identify the agency that employed the agent that was rough with his driver. He indicated that he was going to write the letter to the Director of Weights and Measures and copy us.

1203222. Department of Public Safety

A school teacher called complaining about the Department of Public Safety (DPS). DPS sent a rejection letter to the wrong address, which caused her to have to leave her teaching job due to an inability to obtain a fingerprint clearance card. She also indicated that Pinal County said it was good, but Maricopa County has rejected it and she would like to know why.

We contacted DPS and they informed us they rejected the woman's fingerprint card for image quality that was done in Pinal County. DPS contacted the woman and requested that she resubmit her application along with new fingerprints directly to a representative at DPS and they will expedite her file.

The woman contacted us and informed us that has received her card. She was very thankful for our assistance; she has been able to continue on with her teaching job.

1204554. Nursing Board

A nurse called us complaining about the Nursing Board. She indicated that the Nursing Board presented wrong information to the national registry and she would like for them to correct the error.

We contacted the Board and pointed out the error they had reported to the national registry. After they reviewed the file, they contacted us and informed us they corrected the error and the notation now included the same wording from the consent agreement that the nurse had signed.

We contacted the woman and provided her with the information the Board gave us. The nurse indicated that she was grateful that the information was correct on the national registry, which is very important to her.

The following examples illustrate where our intervention resulted in better treatment of state employees or higher morale.

1202511. Department of Health Services

A previous complainant was upset with the Department of Health Services - Department of Vital Records for reporting to the Arizona State Retirement System (ASRS) that his wife died, which was untrue. We contacted Vital Records and they confirmed the issue had been resolved and accurately reported to ASRS. They said they notified the couple two weeks before the husband contacted our office and he reportedly understood the issue was resolved even though he was still angry. We notified the couple that Vital Records

confirmed via e-mail they resolved the matter and discussed with them. We told the couple and Vital Records that we would close this complaint and that we would further investigate their complaint against ASRS in a separate case.

1202454. Department of Economic Services – Child Support Enforcement

A mother complained that the Division of Child Support Enforcement (DCSE) was disregarding court orders stating the non-custodial parent was to pay spousal maintenance. We contacted DCSE and an administrator said the court did not send that order over. She requested it from the court, the court sent it and she sent it to the Arizona Attorney General (AAG) for correction. We contacted the mother and she said the AAG notified her they were resolving the issue for her.

1200653. Department of Economic Services – Child Support Enforcement

A previous complainant was upset with DES Child Support Enforcement (DCSE) because she was not getting a response to her questions. She wanted to know how or when DCSE planned to go after the fathers of her children for child support owed to her. One father owed over \$50,000 and the other checked himself into drug rehabilitation. We contacted DCSE and they discovered that the first father was making payments, but because he had not done so in so many years, the mother had not realized that the money was on her debit card already. The DCSE administrator told the mother how to request a replacement card if she could not find hers. The agency updated the other father's status so they could locate him to seek payment. We followed up with the complainant and she said she was very happy with our assistance.

1202343. Department of Economic Services – Child Support Enforcement

A mother was upset because the Division of Child Support Enforcement (DCSE) told her she would begin receiving support 30 days after she applied, but three months later, she still did not receive anything. She tried to call DCSE but the automated response stated that the agency was still reviewing her case.

We contacted DCSE and an administrator called her and said the agency could not enforce child support because they could not locate the father. The mother said the father was recently released from prison and she located the father's parole officer. She tried to call DCSE back with this information but was, once again, given the prompt and automated message. She called us again because the worker who spoke with her said he could not give her a direct line. We reached our point of contact with this information and she called the mother directly and got the information. She said it was a helpful start, although it was not the father's address. We called the mother and she was grateful for our assistance.

1202185. Board of Appraisal

A woman alleged the Arizona Board of Appraisal (ABOA) was not responding to her complaint in a timely manner. She believed the board violated state laws. We left messages for the director of the ABOA. We received a call from an investigator at ABOA.

The investigator reviewed the complainant's file. She stated that, indeed, there were many delays but they were within state law. She explained the complainant filed a complaint when the board had no director and had a severe backlog of cases to investigate. They hired a new director who, shortly thereafter, became terminally ill. The investigator and the

Assistant Attorney General attempted to clear the backlog of cases within the legal timelines. In the complainant's case, the appraiser against whom she filed a complaint was also making it difficult because he would not respond in a timely manner. The agency investigated him, presented the investigation results to the board. The board had a three-month recess before they invited the appraiser for an informal hearing. The appraiser responded that he was soon retiring and had no interest in further pursuing his license. The board's attorney drafted a consent decree for voluntary surrender of license and sent it to the appraiser. The appraiser replied that he would not sign the decree, although he agreed with the board's decision. The board wrote to him and explained that he had to sign the consent decree or attend a hearing. He opted for the hearing, set for months later. Eventually, the appraiser attended the hearing. The board told him that he had until the next meeting to decide to either attend additional classes to keep his license or to surrender his license.

We called the complainant to explain this to her. She was very upset, because the appraiser was taking advantage of the board's generosity in extending deadlines for him. She wanted to pursue the appraiser in court and wanted a copy of the initial investigation.

We asked the AAG if the board would be willing to give up the report to the complainant but she explained that, by law, the report was confidential until the complaint was resolved. She said that would likely happen in one month. We asked her to explain this to the complainant directly, which she did. The complainant told us she was satisfied with this explanation and she thanked us for our persistence in getting an answer for her.

The follow cases illustrate how our office provided an alternative avenue to a more expensive dispute resolution mechanism.

1203652. Nursing Board

An employee of the Nursing Board was not sure how best to proceed with a problematic complainant. The board dismissed her case a year ago. Since then they received constant calls and emails from the person. She heard the Mayo Clinic possibly filed a restraining order and the Medical Board blocked her emails. She was not sure how the Nursing Board should proceed.

We advised her our procedure is to write a letter outlining what considerations we made regarding their case, the decision based on those considerations, and then cite our authority to close the case. We advised her to speak to her agency's Assistant Attorney General about this and gave her some sources of other state employees who have experience this. She thanked us for our help.

1204434. Department of Economic Services - Child Protective Services

A couple requested we give them instructions where to file suit against DES – CPS. The couple was upset because the CPS worker spoke to their youngest child at school and without their permission. CPS informed the couple they found no merit to the allegations in the case, but the wife said they were embarrassed by the episode.

The mother was very upset. We spoke to her and ascertained that no school official or family member had said or done anything to make them feel bad, but they were sure

someone would make a comment or otherwise make them feel unwelcome because of the CPS investigation. We reviewed CPS's process and authority with her. The mother said that even though the family was exonerated, "everyone will know that CPS investigated them and it will ruin their reputation."

We told the mother that CPS does not explain or introduce themselves to other parents unless CPS views the other parents as witnesses to a particular event or they had expressed concern to the CPS hotline. We told them that CPS must keep the case confidential and proceed on a need to know basis. We told the family they could complain to us if they believe any CPS worker had violated confidentiality laws. We further explained that CPS frequently interacts with school officials and these officials understand that because of statutes in A.R.S. Title 8, CPS must investigate every allegation.

We explained that school officials know if CPS investigators are suspicious of a family dynamic as it relates to a child because they frequently interact with school administrators and teachers when they initiate safety plans or dependency hearings. If CPS finds the accused parties are not doing anything to cause a concern, they exonerate them. The fact that CPS did not substantiate anything and did not initiate any conditions or safety plan lets officials know the parents were cleared. Further, we told the mom to expect a note from CPS saying CPS did not substantiate wrongdoing. The mom is free to share this with administrators if she wishes. The couple said they felt better now they understand the process more and they were not likely to file the lawsuit.

The following cases show how our intervention revealed a field practice that was not in accordance with the agency's stated policy, procedure, statutes or caselaw.

1203100. Department of Economic Services – Child Support Enforcement

A father paid off his child support six years ago and, subsequently, took custody of his son. He became the custodial parent and started to receive child support. A few years later, he checked his credit and found a debt to child support. He spoke with DCSE many times and each time they told him they were taking care of it. However, each time he checked his credit, the debt would still be on his report.

We called the Division of Child Support Enforcement and requested they take action on his case. Their systems did not show any reports made by them to any credit agencies that they could rescind. They teamed his caseworker with the Arizona Attorney General to find the underlying cause of the issue.

We contacted the father to notify him he should contact us if he had further issues with the process. He reported DCSE had collected some documents from him and assured him they would take the issue to court in order to get the debt taken off his record. He thanked us for facilitating the matter.

Our intervention helped settle a relatively inexpensive dispute that was causing a negative ripple effect on the organization.

1203812. Department of Economic Security - Children and Family Services

A couple of foster parents said DES- Office of Licensing, Certifications and Regulation (OLCR) failed to renew their license in a timely manner, yet all their material had been turned in long ago and months before the deadline. The couple said DES-OLCR suspended their license at this point because of renewal issues, yet DES-CPS kept assigning kids to them despite their license problem. CPS should not keep placing children with the family if they do not have a current license.

We checked with the foster care hotline who stated that the application was incomplete, so initially, DES-OLCR delayed the renewal. Then DES informed the couple that as a consequence of missing the deadline, they must submit a re-application.

We checked with the Office of Licensing, Certification, and Regulation (OLCR) and with the CPS foster hotline. The hotline responded first and said they closed the family's renewal file because they did not renew by the deadline. Once the deadline passed, OLCR needed to open the case as a "re-activation". OLCR said the foster service agency the family uses as a sponsor did not turn in the material quick enough. They said the family's foster pay was suspended, but DES would issue payment for taking care of the kids once DES-OLCR cleared up the license issue. OLCR reviewed the application file and said the license application was now in order and informed us DES-OLCR would likely approve it within a few days.

We informed the foster mother. We told her about the pay release and told her DES claimed the foster agency sponsor did not promptly forward their application package to DES. Because of the delay at that private agency, the family's license renewal missed the deadline. We suggested the family complain to the private sponsor agency and see if they can correct the tardiness in the future. We told the family to come back to us if they have further concerns or if there are further delays.

2. Ombudsman intervention in CPS cases.

The Assistant Ombudsman for Child Protective Services (CPS) helps individuals experiencing problems with the state agency dedicated to protecting children. The Assistant Ombudsman for CPS handles the bulk of the CPS cases as it is her exclusive task, but the other assistant ombudsmen also help with CPS cases as well.

Parents, grandparents, and other relatives of the child seek help from our office when they believe CPS has treated them unfairly. Other sources of complaints include foster parents, adoptive parents, community service providers and members of the state legislature.

The majority of the coaching and assistance inquiries we receive involve clarification of CPS recommended services, explanation of the CPS and dependency processes, facilitation of communication by the case worker and legal counsel, and explanations about visitation or placement issues. These cases are easily rectified as we facilitate effective communication between families and CPS.

Similarly, we contact CPS to gather their perspective on the caller's complaint. Typically, a phone call or e-mail message to CPS staff can resolve frequently received complaints such

as caseworker assignment problems, copies of case plans, failure to receive notification of staff meetings, requests for Foster Care Review Board (FCRB), or court hearing dates. Case managers, supervisors or upper CPS management offer clarity to events, laws or policies and procedures. We foster clear communication between our office and the various points of contact within Child Protective Services.

Additionally, some of the complaints we receive require an in-depth review of the case and direct contact with the caseworker or agency representative. These are often complaints where residents feel that the agency violated their rights or failed to provide adequate services. With these types of complaints, our office may initiate full-file reviews, request documents and other supporting data or meet with CPS staff. We review case correspondence, therapeutic reports and the CPS CHILDS database as sources of information to help facilitate the resolution of disputes.

Here are some examples where our intervention helped resolve concerns with CPS:

1203677. Department of Economic Services – Child Protective Services

A mother was confused after a CPS investigator visited her home six months after someone reported abuse. CPS did not name the mother in the allegation; the person accused of wrongdoing lived in the same home. There were other children involved in the case, also in the home, but not investigated. They told us they could not speak to the mother because she was not a legal party to the case. We looked up the case and found that that she and the father both had previous CPS reports. The mother, who passed background checks to work with children, was upset by this and unaware of any prior reports. The father was a police officer and unaware of any prior reports. We asked CPS to contact the father, respond to all the questions posed by the parents, help them understand the case timeline and let them know about any possible prior reports. We asked his supervisor to call the parents to answer their questions immediately. She agreed to do so. The mother was grateful for our assistance.

1204555. Department of Economic Services – Child Protective Services

A social worker from a refugee-serving nonprofit agency was concerned about the way CPS handled a case involving a large Burmese family. She said CPS removed eight children from the home and placed them in five homes, none of which knew how to speak the children's' native tongue. Furthermore, the parents did not know what to expect, whether they had attorneys, and how to proceed with the case. The social worker advocates for the family but CPS would not communicate with her. We explained that the agency could not communicate with her until she became a legally recognized party in the case. We gave her the court's parent assistance hotline and said she could ask for guidance in petitioning the judge to ask if she could become a legal party to the case. We also gave her the Family Advocacy Office number and explained that she could let CPS know she wanted to be a safety monitor. We also told her that she could inform the court that her agency could assist with interpreters. She said there were Burmese families available as placements for the children, which could save CPS on the cost of paying foster families. We told her she could submit those names to CPS and ask to have background checks done on them so CPS could place the children with members of their community. The social worker said we were a "wealth" of information and she appreciated our

assistance. We told her we would close the case and that she should feel free to call again if we may help in the future. She thanked us.

1202544. Department of Economic Services – Child Protective Services

Foster parents complained communication with CPS was very poor; that CPS appeared to be prepared to go through with plans for reunification despite recommendations against them made by the Transition Team and over the concerns of the Guardian Ad Litem.

We inquired about the current status of reunification, the recommendations of the Transition Team and clarification on goals required of the biological parents for successful reunification.

CPS responded that while reunification remains the stated goal, the process has slowed down based on the recommendation of the Transition Team. The biological parents' primary goal in regaining custody is sobriety for a year, which remains an open goal. CPS identified other goals that the parents need to satisfy related to the ability to satisfactorily meet the childrens' food, health and shelter needs.

The foster parents were satisfied that CPS understands their concerns and has slowed down the reunification process. They have no other immediate concerns.

1203609. Department of Economic Services – Child Protective Services

A mother complained that her CPS caseworker was unresponsive to her child's health needs and ignored her concerns that the foster placement was neglecting the child. The mother said the caseworker had not taken the child to her 12- and 15-month wellness checks and she was worried her child would miss the upcoming 18-month visit.

We explained that the mother could report suspected neglect of her child through the hotline. We told the mother we could inquire about the status of the child's wellness checks and immunizations. The mother said she would follow up again with the hotline and thanked us for inquiring about the wellness checks.

After inquiring about the wellness checks with CPS, it appeared there had been delays in follow through on the part of the care provider. CPS said a 15-month wellness check was not required. The mother continued to make inquiries on her own with the caseworker and the Arizona Attorney General about the child's medical needs. We had a follow up phone call with the mother who reported that her issues were resolved and she thanked us for our help.

1203260. Department of Economic Services – Child Protective Services

A mother complained she was not receiving visitation. She also complained the caseworker would not answer her calls to arrange visitation. The mother also complained that the maternal grandmother had been attempting to contact the caseworker in order for CPS to consider her as a family placement and the caseworker did not return her calls.

We reviewed the case. While CPS noted that the mother had contacted the department several times, the records also stated she was not receiving visitation due to lack of contact

with the department. There was no record of the department contacting the maternal grandmother.

We instructed mother to contact the hotline and leave her most recent phone number along with a request for a call back from the caseworker. We instructed the maternal grandmother to contact the hotline and request to be a family placement. We mailed a grievance form to the grandmother's residence for the mother along with instructions. We contacted CPS with questions about visitation and investigation of the grandmother as a family placement. The department stated several times that they did not think the grandmother wanted to have the child placed with her but did not ever have a conversation with her about placement. Nor did they request a home study.

After several contacts with the department, a review of ARS § 8-514, and department best practices as to family search, the department agreed to do a home study of the maternal grandmother for placement. The mother also began visitation.

1203611. Department of Economic Services – Child Protective Services

A father called to complain that CPS had an open investigation that had been going on for a very long time without any resolution or status updates.

We reviewed CPS electronic record and found that there were two open investigations from months prior. They were past the forty five day timeline for findings. We contacted CPS. The original response from the caseworker was that she was not done with the investigation. We then contacted administration about the length of time CPS was taking to complete the investigation. CPS then found both open investigations unsubstantiated and closed the cases.

We contacted the father who was aware that both investigations had been closed and unsubstantiated. He agreed there was nothing further for us to review at this time and thanked us.

3. Ombudsman intervention in Public Access cases.

OUTREACH AND EDUCATION

Educational Materials

We released updated Ombudsman Booklets on Public Records Law and Open Meeting Law on our website in April 2012. In addition, we develop and distribute training materials for public bodies. We continue to update our website with publications, training opportunities, and developments in the open meeting and public records law: new case law, legislation, and Attorney General Opinions.

Trainings

There is a huge demand for training throughout the State. In an effort to streamline training and reduce expenses, we have successfully worked with several counties to coordinate centralized trainings; reaching out to the various local entities: county departments, towns, cities, local boards, commissions, and committees, school districts, charter schools, fire districts, and all special districts. We are working to post training videos online in order to

reach the entire state thereby saving the resources of our office and the public bodies outside of the metropolitan area.

INQUIRIES AND INVESTIGATIONS

In 2012, our office received 630 calls regarding matters related to public access. Of those calls, 400 were public record inquiries and 230 were open meeting inquiries. Table 1 provides a breakdown of the number of inquiries received from the public, the media, and government agencies. Table 2 provides the number of inquiries received about state agencies, county agencies, city or town agencies, school districts, and other local jurisdictions.

Table 1

	Public Inquiries	Media Inquiries	Government Agency Inquiries
Number of inquiries	368	42	220

Table 2

	State Agencies	County Agencies	City or town agencies	School Districts	Other Local Jurisdictions
Number of inquiries	129	71	181	71	178

Here are some examples where our intervention helped resolve concerns with public record and open meeting cases:

1203680. Department of Insurance

A member of a chiropractic association requested assistance with a public records request from the Department of Insurance. The Department quoted him several thousand dollars as the fee for copies of the records. The member wanted to bring his own copying equipment into the Department and copy the records himself. We discussed this option with the Department and recommended that they allow the member to make his own copies. They agreed to allow him to bring his own copying equipment and sent him a letter with the parameters of copying.

1204004. Pima County

A former subject of a criminal investigation requested a copy of the investigation from the Pima County Attorney's Office after the close of the investigation. Pima County produced several partially redacted Investigative Reports to fill the request. We contacted Pima County and learned that the basis for the redactions was attorney-client privilege and attorney work-product doctrine. The communications in question were between employees of Pinal County and the Pima County Attorney's Office.

Because the criminal investigators for Pima County Attorney's Office do not have an attorney client relationship with the employees of Pinal County, we concluded that the

employees' disclosure of communications between the employees and their attorneys at Pinal County to the criminal investigators at Pima County constituted a waiver of any attorney-client privileges that may have existed. We researched the relevant authorities and discussed our concerns with the Pima County Attorney's Office.

The Pima County Attorney's Office concluded that the caselaw supports the conclusion that the privileged had been waived and disclosed the records to the requestor.

1202286. Phoenix

A Phoenix resident requested review of the fees that the Phoenix Fire Department charged for a complaint. The complaint is one page and the Department charged him \$29.38. We discussed the grounds for the fee with the Department. The Department based their justification on the fee structure for a commercial purpose. We discussed this discrepancy with the resident and he clarified with the Department that he was requesting the record for a non-commercial purpose. The Department re-evaluated the \$29 fee and charged the resident a fee consistent with a non-commercial purpose.

1202359. Quartzsite

A board member of Quartzsite complained that the Town of Quartzsite wrongly denied a public records request for a list of voters currently referred for an investigation to a contracted private investigator. We conducted a full investigation and found the following.

The Town failed to meet its burden of specifically demonstrating the harm of disclosure of the voter names to the completion of the criminal investigation. The Town provided no information about whether the suspects have knowledge that they are targets of an investigation, whether the suspects have been contacted or interviewed by law enforcement, the type of evidence that may be jeopardized by release of the suspects' names, and how that would affect their ability to complete the investigation. Further, the Town failed to cite any valid statute or legal basis for withholding the records under the Arizona Public Records Law.

During the course of this investigation, there were several changes that affect the findings. First, the Town experienced a change in administration. Further, the private investigator completed the investigation into voter fraud and submitted his findings to the Town. The Town informed our office that they are releasing the entire report of the investigative findings, including the names of voters who were referred to the private investigator.

1203553. Tombstone

A council person for Tombstone contacted our office to complain that the city failed to comply with its 24 hour posting requirements for the meeting tonight. The city normally posts an agenda at the post office and they failed to do that for this meeting. We contacted the city and discussed the 24 hour posting requirement with the clerk, the mayor and the town attorney. The town does not have a disclosure statement. They normally post the notice at three physical locations and the website. They stated that the post office does not have a glass case and the agenda is frequently tampered with. We discussed limiting their disclosure statement to the two locations and continuing to post the agenda at the post office for additional notice as necessary. We discussed that the 24 hour period excludes Sundays and legal holidays. Since, yesterday was Columbus Day, a posting yesterday for

tonight's meeting is not compliant with the 24 hour requirement under ARS 38-431.02(G). We recommended that the meeting be postponed and the town add a disclosure statement to their website.

1203940. Palominas Fire District

The chair of the Palominas Fire Board complained that the Board held a public meeting on Monday morning. The Board notified the chair of the meeting by an email on Saturday morning but she did not read it until Saturday night. We reviewed the email notification and did not find a violation of the notice requirement. However, the Board failed to post the agenda on their website as stated in their disclosure statement. We contacted the Chief and recommended that she ratify any votes taken at the meeting.

1202712. Dewey

A resident of Dewey-Humbolt reported that a council person declared a conflict of interest and then continued to participate in the council discussion that involved the purchase of a building that he owned. The resident wanted intervention from our office to prevent the same type of incident from occurring in the future. We contacted the town and discussed ARS § 38-503 which states: (A) Any public officer or employee of a public agency who has, or whose relative has, a substantial interest in any contract, sale, purchase or service to such public agency shall make known that interest in the official records of such public agency and shall refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale or purchase. (B) Any public officer or employee who has, or whose relative has, a substantial interest in any decision of a public agency shall make known such interest in the official records of such public agency and shall refrain from participating in any manner as an officer or employee in such decision.

We recommended that in the future, the council member have another person speak on his behalf.

1202499. Charlotte Hall Historical Society

A resident of Prescott requested assistance with a public records request for salary information from Charlotte Hall Historical Society. The Society shares staff with a private non-profit. The resident wanted information on how much of the employee's salaries came from the public portion of the Society. The Historical Society denied his request based on privacy. We contacted the Society and discussed the grounds to withhold records. The Society explained that Arizona Department of Administration handled their personnel files. We told the resident to file the public records request with ADOA.

1203299. Arizona Power Authority

The Attorney General's Office forwarded an Open Meeting Law complaint against the Arizona Power Authority Commission to our office. Arizona Department of Administration filed the complaint. ADOA handles the Commission's agenda postings. The agenda for the August 27th Meeting was not posted as required by ARS 38-431.02(G). We contacted the Commission. They stated that there were grounds to waive the 24 hour requirement based on an actual emergency. However, review of the minutes did not indicate that the Commission complied with the requirements for an emergency meeting under ARS § 38-431.02(J). Therefore, the minutes indicate that it was not intended to be an emergency meeting but instead was a regular meeting that failed to meet the notice requirement. We

recommended that the agency ratify the action from the August 27th meeting and follow the requirements for ratification under ARS § 38-431.05(B).

1203892. Department of Juvenile Corrections

Apache County filed a complaint for a partial denial of a public records request for the personnel file of a former juvenile corrections employee. I reviewed the complaint and the relevant statutory authority. I contacted Juvenile Corrections to discuss the request. I also found the rule that the agency cited in their response R2-5A-105(D). It is available in the Arizona Administrative Register:

http://www.azsos.gov/public_services/Register/2012/44/exempt.pdf.

I reviewed A.R.S. § 39-121.01(D)(2) which states: "If requested, the custodian of the records of an agency shall also furnish an index of records or categories of records that have been withheld and the reasons the records or categories of records have been withheld from the requesting person." The statute contains an exception to the index requirement which states, "The custodian shall not include in the index information that is expressly made privileged or confidential in statute or a court order."

Our office has always interpreted "statute" to mean "statute or rule" consistent with the guidance in the Arizona Agency Handbook 6.4.1. Therefore, it appears that the custodian of records is required to withhold some of the material that you have requested and they are not required to provide that material in an index.

In the past, I have received many questions about a political subdivision's ability to make a rule limiting disclosure of personnel records. I have seen a mixed response by the courts where these policies or ordinances have been challenged.

Kathryn Marquoit
Assistant Ombudsman – Public Access

CONTACTS BY AGENCY

Agency	Coaching	Assistance	Investigation	Total
Accountancy Board	1	0	1	2
Administration, Department of	27	4	1	32
Administrative Hearings, Office of	3	1	0	4
Agriculture, Department of	1	1	0	2
AHCCCS	40	46	4	90
Apache County	8	7	6	21
Appraisal, Arizona Board of	1	1	2	4
Arizona City Sanitary District	1	0	0	1
Arizona Commission for the Deaf & Hard of Hearing	1	0	0	1
Arizona Criminal Justice Commission	1	0	0	1
Arizona Power Authority	0	0	1	1
Arizona State Hospital	1	1	0	2
ASU -Arizona State University	12	0	0	12
Attorney General, Office of	63	3	1	67
Auditor General	4	0	1	5
AZ Peace Officer Standards & Training Board	1	1	0	2
AZ State Independent Living Council	0	1	0	1
Barbers, Arizona Board of	1	0	0	1
Behavioral Health Examiners, State Board of	16	6	11	33
Bisbee	5	0	0	5
Blue Ridge Fire District	1	0	0	1
Buckeye	0	1	0	1
Buckeye Union High School District	0	1	0	1
Buckskin Sanitary District	0	0	1	1
Bullhead City	9	0	0	9
Central Yavapai Fire District	0	0	1	1
Central Yavapai Metropolitan Planning Organization	1	0	0	1
Chandler	1	0	0	1
Charter Schools, Arizona State Board of	3	1	0	4
Chino Valley	4	3	0	7
Chiropractic Examiners, State Board of	1	0	0	1
Cochise County	4	0	2	6
Coconino County	3	1	0	4
Commerce, Department of	3	0	0	3
Commission of Judicial Conduct	2	0	0	2
Compensation Fund	2	0	0	2
Congress School District	3	0	0	3
Corporation Commission	25	4	0	29
Corrections, Department of	18	4	0	22
Cosmetology, Board of	1	0	0	1
Cottonwood	1	0	0	1
Deer Valley Unified School District	2	0	0	2
Dental Examiners, Board of	6	3	1	10
Department of Economic Security	3	6	0	9
DES - Adult Protective Services	4	0	0	4
DES - Aging & Community Services	190	11	0	201
DES - Benefits and Medical Eligibility	130	248	10	388
DES - Child Protective Services	942	499	80	1521
DES - Child Support Enforcement	30	88	9	127
DES - Children and Family Services	16	7	2	25
DES - Developmental Disabilities	8	7	1	16

DES - Employment and Rehabilitation	33	104	5	142
DES - Office of Licensing Certification Regulation	4	2	0	6
DES - Other	30	12	0	42
Desert Marigold School	1	0	0	1
Developmental Disabilities Council	2	0	0	2
Dewey	15	0	1	16
Discovery Plus Academy	1	0	0	1
Duncan School District	2	0	0	2
Education, Department of	6	5	2	13
El Mirage	2	1	0	3
Elfrida Fire District	1	0	0	1
Environmental Quality, Department of	2	2	0	4
Executive Clemency, Board of	1	0	0	1
Financial Institutions, Arizona Department of	14	2	0	16
Fingerprinting, Board of	1	1	0	2
Fire Building and Life Safety, Department of	13	1	0	14
First Things First	3	0	0	3
Flagstaff	3	0	0	3
Flagstaff Unified School District	0	1	0	1
Fountain Hills	1	0	0	1
Franklin Elementary Schools	0	1	0	1
Funeral Directors & Embalmers, State Board of	2	0	0	2
Game and Fish, Department of	3	2	0	5
Gila County	1	1	0	2
Gilbert Public Schools	2	0	1	3
Glendale	1	1	0	2
Goodyear	2	0	0	2
Governor, Office of	11	1	0	12
Governor's Council on Spinal and Head Injuries	1	0	0	1
GRRC - Gov. Regulatory Review Council	1	1	0	2
Harquahala Valley Fire District	3	0	0	3
Health Services, Department of	61	7	5	73
Hell's Gate Fire District	0	1	0	1
Historical Society, Arizona	0	1	0	1
Homeowners Associations	2	0	0	2
Housing, Department of	2	1	1	4
Industrial Commission	39	8	2	49
Insurance, Department of	26	11	2	39
Iron Springs Sanitary District	1	0	0	1
Judicial Conduct, Commission on	6	0	0	6
Juvenile Corrections, Department of	1	3	0	4
Kaibab West Fire District	1	0	0	1
Kingman	1	0	0	1
La Paz County	1	0	0	1
Lake Havasu City	1	0	0	1
Lake Havasu Unified School District	0	1	1	2
Lake Mohave Ranchos Fire District	1	0	0	1
Land, Department of	1	2	0	3
Legislature	27	1	0	28
Library, Archive & Records Dept.	3	0	0	3
Liquor Licenses and Control, Department of	1	1	0	2
Lottery	2	2	0	4
Maricopa	8	0	0	8
Maricopa County	4	2	2	8
Massage Therapy, State Board of	0	1	0	1

Mayer	1	0	0	1
Mayer Fire District	12	0	0	12
Mayer Water District	1	1	0	2
Medical Board, Arizona	26	5	7	38
Mesa	2	1	0	3
Miami	4	1	0	5
Mojave County	1	0	0	1
Morenci Unified School District	1	0	0	1
Mountain Oak	1	0	0	1
NAU -Northern Arizona University	1	0	0	1
Nogales	0	1	0	1
Northern Apache County Special Health Care Dist	1	0	1	2
Northern Arizona Economic Development Planning Grp	1	0	0	1
Northwest Fire District	1	0	0	1
Nursing, State Board of	16	12	1	29
Ombudsman	87	10	0	97
Optometry, State Board of	1	3	0	4
Oro Valley	0	0	1	1
Osteopathic Examiners in Medicine and Surgery, Board of	2	1	0	3
Other - Government	293	8	0	301
Other - Private	231	1	0	232
Palominas Fire District	15	3	5	23
Paradise Valley	2	0	0	2
Paradise Valley School District	2	2	0	4
Payson	1	0	0	1
Peoria	4	0	0	4
Peoria Unified School District	0	2	0	2
Personnel Board	2	0	1	3
Pest Management, Office of	0	1	0	1
Pharmacy, Board	0	1	0	1
Phoenix	5	3	0	8
Physical Therapy Examiners, Board of	0	2	0	2
Physician Assistants, AZ Regulatory Board of	0	0	1	1
Pima County	2	2	1	5
Pima Unified School District	1	0	0	1
Pinal County	3	1	3	7
Pinetop	8	3	1	12
Podiatry Examiners, State Board of	0	2	0	2
Postsecondary Education, Arizona Commission for	3	0	1	4
Prescott	5	0	0	5
Prescott Valley	1	0	0	1
Private Post-Secondary Education, Board for	4	2	0	6
Psychologist Examiners, State Board of	3	1	0	4
Public Safety Personnel Retirement System	0	0	1	1
Public Safety, Department of	8	4	1	13
Quail Ridge Water District	3	0	0	3
Quartzsite	13	4	3	20
Racing, Department of	1	0	1	2
Rancho Jardinias Water District	4	0	0	4
Real Estate, Department of	8	3	6	17
Redistricting Commission	1	0	0	1
Regents, Arizona Board of	1	0	0	1
Registrar of Contractors	13	15	1	29

Residential Utility Consumer Office	1	0	0	1
Retirement System, Arizona State	7	6	0	13
Revenue, Department of	24	21	1	46
Riverside School District	3	2	0	5
San Luis	0	0	1	1
San Manuel Fire District	1	0	0	1
Scottsdale	3	1	1	5
Secretary of State, Office of	6	4	1	11
Show Low	1	0	0	1
Sierra Vista	0	1	1	2
Sierra Vista School District	0	1	0	1
Sonoita Elgin Fire District	1	0	0	1
Sunburst Farms Irrigation District	17	4	0	21
Sunsites	1	0	0	1
Sunsites-Pearce Fire District	13	3	0	16
Superior Court	37	1	0	38
Supreme Court	10	2	0	12
Technical Registration, Board of	0	2	1	3
Tempe	0	0	1	1
Tolleson	0	1	0	1
Tombstone	1	3	0	4
Tourism, Office of	1	0	0	1
Transportation, Department of	15	10	3	28
Transportation-Motor Vehicle Division	16	41	5	62
Treasurer, Office of	1	0	0	1
Tucson	7	3	0	10
Tucson Unified School District	3	1	1	5
University of Arizona	1	0	0	1
unknown	40	3	1	44
unknown charter school	8	1	0	9
unknown city	13	1	0	14
Unknown County	5	0	0	5
Unknown Domestic Water Improvement District	6	0	0	6
unknown fire district	6	1	0	7
unknown local jurisdiction	1	0	0	1
unknown school district	19	2	0	21
Unknown state agency	71	2	0	73
Unknown Water District	1	0	0	1
Various school districts	3	0	0	3
Veterans Home	1	0	0	1
Veterans' Services, Department of	12	4	0	16
Veterinary Medical Examining Board	0	1	0	1
Water Resources, Department of	1	1	0	2
Weights and Measures, Department of	19	1	0	20
Western Meadows Irrigation District	1	1	0	2
WIFA - Water Infrastructure Finance Authority	0	1	0	1
Wilson Elementary School	1	0	0	1
Yavapai County	1	0	0	1
Yucca Fire District	12	1	3	16
Yuma City	12	3	1	16
Yuma County	5	3	3	11
TOTAL NUMBER OF CONTACTS	3155	1364	217	4736

Reflecting cases received January 1 through December 31, 2012.

Total Requests for Help

January 1, 2012 through December 31, 2012

Coaching		Investigation	TOTAL
3155	1364	217	4736

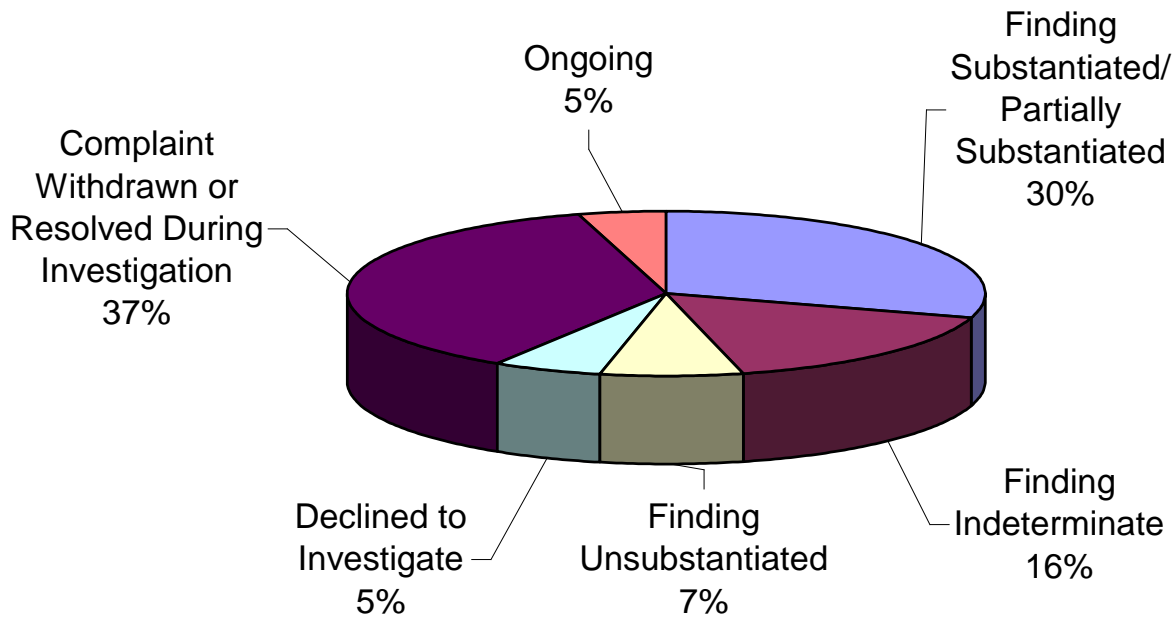
Investigations

Declined*	12
Complaint withdrawn or resolved during investigation	80
Investigation completed	117
Ongoing	10
TOTAL REQUESTS FOR INVESTIGATION	218

* The Ombudsman-Citizens' Aide has the statutory authority to decline to investigate a complaint if there is another adequate remedy available; the complaint relates to a matter that is outside the duties of the ombudsman-citizens aide; the complaint relates to an administrative act that the complainant has had knowledge of for an unreasonable time period; the complainant does not have a sufficient personal interest in the subject matter of the complaint; the complaint is trivial or made in bad faith; or the resources of the office of ombudsman-citizens aide are insufficient to adequately investigate the complaint.

Investigative Findings

SUPPORTED/PARTIALLY SUPPORTED		65
Requires further consideration by agency	42	
Other action by agency required	15	
Referred to the legislature for further action	1	
Action was arbitrary or capricious	0	
Action was abuse of discretion	2	
Administrative act requires modification/cancellation	0	
Action was not according to law	5	
Reasons for administrative act required	0	
Statute or Rule requires amendment	0	
Insufficient or no grounds for administrative act	0	
INDETERMINATE		36
NOT SUPPORTED		16
TOTAL COMPLETED INVESTIGATIONS		117



- Finding Substantiated/Partially Substantiated
- Finding Indeterminate
- Finding Unsubstantiated
- Declined to Investigate
- Complaint Withdrawn or Resolved During Investigation
- Ongoing

About the Ombudsman and Staff

Dennis Wells – Ombudsman-Citizens' Aide. Dennis became Ombudsman Citizens Aide on July 2, 2012 following confirmation by the Legislature and Governor in early 2012. Dennis holds a Masters Degree in Public Administration from Northern Arizona University and a Bachelor of Science in Geology. His educational background also includes a fellowship at Harvard regarding studies in State and Local Government. He has public and private sector experience. In the public sector, Dennis was an elected supervisor and chairman of the Coconino County Board of Supervisors, State Land Commissioner for Arizona, a member of the Arizona State Parks Board and served as City Manager for Williams, Arizona. Dennis' public service also includes serving on the Board of Directors, Foundation for Flagstaff Medical Center and as a board member of the Arizona City and County Managers Association. In the private sector, Dennis began his career working in the family business, *The Williams Grand Canyon News*, which has been continuously published by the Wells' family for 100 years. Following graduation from Northern Arizona University, Dennis worked for private firms in oil exploration and drilling in Texas, Louisiana and overseas (Africa and the Middle East). Dennis has specialized experience in public management, intergovernmental relations, strategic and public planning and dispute resolution. He has additional training including ombudsman training prescribed by the US Ombudsman Association (USOA) and investigator training by the Council on Licensure, Enforcement & Regulation (CLEAR).

Joanne C. MacDonnell – Deputy Ombudsman. Joanne joined the office as Deputy Ombudsman in 2005 after serving nearly eight years as the Arizona Corporation Commission Director of Corporations. Joanne was an active member of the International Association of Commercial Administrators and a director of its Business Sections Committee. Joanne has experience in management, human resources, problem resolution, investigations, customer service, strategic planning and process analysis. Joanne has Bachelor of Science degrees in Business Administration and in Real Estate from the University of Arizona. She is an investigator certified by the Council on Licensure, Enforcement & Regulation (CLEAR) and completed mediation training through South Mountain Community College. She has additional training including the Executive Course, Project & Investment Justification Training, various risk management, procurement and ethics courses through Arizona Government University (AZGU); the Leadership Module through Rio Salado College and AZGU; and ombudsman and advanced investigator training prescribed by the US Ombudsman Association (USOA). She is active in the U.S. Ombudsman Association, serving as a Board Member and in leadership roles on the Outreach, Children and Family and Conference Committees. She is also a member of the Association for Conflict Resolution (ACR), qualified in the "Practitioner" category. Joanne serves on the Citizen Review Panel of CPS matters and Arizona Court Improvement Advisory Panel. Prior to working in government, Joanne worked in the private sector at FCC Investors, Inc, serving on the Board of Directors and as an accountant; with her husband in his law practice; and in real estate as a licensed Realtor associate and real estate appraiser.

Kate Otting, Assistant Ombudsman. Kate is the former Director of Conflict Resolution Programs for the Arizona Attorney General. She founded Interaction Management Associates and has led seminars on mediation, negotiation and conflict management for businesses and public agencies throughout the U.S. She has mediated employment, housing discrimination, family, ADA, EEOC, US Postal Service and public policy cases. She received her initial mediation training in 1994

through the Iowa Peace Institute, an agency created by the Iowa legislature. She later became the agency's Director of Conflict Resolution and was featured for her work with school mediation programs in a PBS documentary. She previously served as Vice President for International Services with the International Center for Community Journalism, introducing former Soviet journalists to free press concepts. She holds a master's degree in international management, with a concentration on alternative dispute resolution. She is fluent in French and has worked in Africa, Asia and Europe. She is an investigator certified by the Council on Licensure, Enforcement & Regulation (CLEAR).

Carmen Salas, Assistant Ombudsman. Carmen joined the Ombudsman's office in 2005. She previously worked at the Arizona Corporation Commission for nine years. For three of those years she was the Supervisor in the Corporations Division's Annual Reports Section. For the last two years she was the Management Analyst for the division. Carmen has experience in customer service, process analysis and problem resolution. She received her Bachelor of Science degree in Business Management from the University of Phoenix. She has completed additional training including ethics and various risk management courses through Arizona Government University. She has also completed the Leadership Module through AZGU. Carmen is fluent in Spanish.

Kathryn Marquoit, Assistant Ombudsman for Public Access. Kathryn joined the office in 2011. Kathryn served as legal staff for the Governor's Regulatory Review Council from 2007 to 2010. She has bachelor's degree from Syracuse University, a law degree from Villanova Law School and is licensed to practice law in Arizona.

Stephanie Willis, Assistant Ombudsman for CPS matters. Stephanie joined the office in 2011 after working as a Child and Family Therapist for EMPACT- SPC. Prior to her employment as a psychotherapist, Stephanie worked for nearly three years with the Department of Economic Security as a Child Welfare Licensing Specialist. In licensing, Stephanie investigated complaints concerning the care of children in licensed group homes and shelters. Stephanie has served in various systems of care for children and families including: behavioral health, developmental disabilities, education, foster care, juvenile probation and family assistance. Stephanie earned her bachelor's degree in Deaf Studies- Human Services from California State University at Northridge and master's degrees in Social Work and Public Administration from Arizona State University. Stephanie is licensed as a Licensed Master Social Worker by the AZBBHE. Stephanie serves on the Citizen Review Panel of CPS matters and the Foster Care Review Board.